

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BONNIE BENNETT, individually and on
behalf of all others similarly situated,

Plaintiff,

CASE NO. 1:21-cv-807

v.

HON. ROBERT J. JONKER

PENNY PUBLICATIONS, LLC,

Defendant.

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ORDER TO SHOW CAUSE

Plaintiff Bonnie Bennett filed this lawsuit on September 17, 2021. There are no federal claims asserted; Plaintiff alleges diversity jurisdiction under the Class Action Fairness Act (CAFA). 28 U.S.C. § 1332(d). Under CAFA, “a relaxed form of diversity jurisdiction applies.” *Family Tacos, LLC v. AutoOwners Insurance Co.*, Case No. 5:20-cv-01922, 2021 WL 110797, at *2 (N.D. Ohio Jan. 12, 2021) (citing *Nessel ex rel. Michigan v. AmeriGas Partners, L.P.*, 954 F.3d 831, 841 (6th Cir. 2020)). “Under CAFA, a federal court has original jurisdiction over a class action when (1) there is minimal diversity of citizenship between the parties; (2) the aggregate amount in controversy exceeds \$5 million; and (3) the proposed class contains at least 100 members.” *Nessel ex rel Michigan*, 954 F.3d at 841. Minimal diversity under the Act allows a federal court to exercise jurisdiction where “any member of a class of plaintiffs is a citizen of a State different from any defendant.” 28 U.S.C. § 1332(d)(2)(A).

The citizenship of a corporation is both its place of incorporation and its principal place of business. 28 U.S.C. § 1332(c)(1). The citizenship of a limited liability company, limited partnership or other unincorporated entity is the citizenship of each of its members. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 189 (1990); *V&M Star, LP v. Centimark Corp.*, 596 F.3d 354, 355 (6th Cir.

2010)(“[F]or purposes of determining diversity jurisdiction, a limited partnership is deemed to be a citizen of every state where its general *and* limited partners reside.” (quoting *Hooper v. Wolfe*, 396 F.3d 744, 748 (6th Cir. 2005))); *Homfeld II, LLC v. Comair Holdings, Inc.*, 53 F. App’x 731, 732 (6th Cir. 2002) (citing *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998)); *Int’l Flavors & Textures, LLC v. Gardner*, 966 F. Supp. 552, 554–55 (W.D. Mich. 1997)). The complaint does not allege the citizenship of the parties, consistent with these rules. In particular, the Complaint does not allege the citizenship of any member of the LLC defendant, and so it is not possible to determine whether CAFA diversity is satisfied. As a result, the Court’s jurisdiction is called into question.

ACCORDINGLY, IT IS ORDERED that Plaintiff show cause not later than **October 12, 2021**, as to why the Court should not dismiss the case for lack of subject matter jurisdiction. In the meantime, all normal rules and procedures remain in place.

Dated: September 22, 2021

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE